

REMARKS

By the present amendment, Applicant has amended Claims 1, 2, 8 and 15. Claims 1- 20 remain pending in the present application. Claims 1, 8, and 15 are independent claims.

In the Office Action mailed December 1, 2005, the Examiner rejected Claims 1-3, 8, 9, 12, and 14 under 35 U.S.C. § 102(e) as being anticipated by Nissila et al (6,745,069). Claims 4, 5, 10, and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nissila ('069) in view of Narayanaswami (6,556,222); and claims 6, 7, 13, and 15-20 were held to be unpatentable over Nissila ('069) in view of Abbondanza (5,527,239).

Applicant will advance arguments hereinbelow to illustrate the manner in which the presently amended claimed invention is patentably distinguishable from the cited and applied prior art. Reconsideration of the present application is respectfully requested.

The Examiner rejected Claims 1 and 8 under 35 U.S.C. § 102(e), as being anticipated by Nissila ('069) and in essence rejected claim 15 under Nissila (but for the claimed stand). These rejections are respectfully traversed.

As the Examiner noted in the rejection of claims 1, 8, and 15, the Nissila device discloses a plurality of LEDs 400, 402 and 404 that may possess different colors or blinking frequency responding to inputs from the microcontroller (column 6, lines 10-21). However, Nissila also states that the LEDs 400, 402, 404 and optic 408 (column 4, lines 39-45) **are located on the side surface 308 of the case** (see Fig. 4A and column 3, line 17). Nissila further states that *"The top surface 304 of the casing is provided with a first display 306 ...showing the user's heart rate "168" and the time "14:32" on the display 306."* (column 2, lines 60-64). Nissila is specific as to the **side surface 306 location for the LEDs:**

*“Fig. 1 and 2 further illustrate a problem related to the use of an electronic wrist-worn device. Fig. 1 shows a swimmer doing butterfly strokes. During the brief moment when the swimmer’s upper body is above the surface of the water 108, the swimmer’s 100 eyes are directed 102 straight ahead. The swimmer 100 is using a heart rate monitor 104, and there is an electrode transmitter belt around his chest to measure his heart rate. **A problem here is that it is impossible to read the first display 306 of the heart rate monitor 104 during the swimming without the swimming being thereby disturbed.** It is also difficult to read the first display 306 under the water... However, the second display 400, 402, 404, 406 can be read without the swimming being disturbed, because the viewing angle of the second display 400, 402, 404, 406 is different than that of the first display 306.” (emphasis added; column 4, lines 46-67 through column 5, lines 1-3)*

In contradistinction to the Nissila device, Applicant’s claims 1, 8, and 15 have been amended to recite that there is a **single** heart rate color display disposed on **substantially the entire top surface** and that the displayed color is homogeneous and uniformly displayed over **the entirety** of the color display field. Applicant’s claimed invention solves the problem articulated by Nissila. Applicant’s claimed monitor provides an easily viewable **top surface** display field wherein the color is homogeneously and uniformly displayed over the entirety of the display field on the top surface, thereby enabling the user to tell at a brief glance just which heart rate range or zone they’re in at that moment.

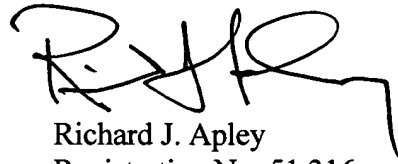
Since the Nissila device does not possess this structure it can longer be considered an anticipatory reference and as such it is respectfully requested that the rejections be withdrawn.

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For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. J. Apley', with a long horizontal flourish extending to the right.

Richard J. Apley
Registration No. 51,316
(703) 486-1000

RJA: dht
Attachments: Petition to Revive and Fee